IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No.628 of 2003

Between:

M/s.Coastal Infrastructure Ltd.,

41, Pandurangapuram, Visakhapatnam,

rep.by its Managing Director,

B.Ramachandra Rao.

....PETITIONER

AND

Global Trust Bank Ltd.,

Gajuwaka Branch, Visakhapatnam,

rep. by its Chief Manager.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to declare the action of the respondent herein in issuing the impugned Notice dt.31.10.2002 under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Second) Ordinance, 2002, in requiring the petitioner to pay all the dues to the bank within 60 days from the date of

the impugned Notice and therefrom under the threat of exercise of powers under Section 13(4) as unfair, unreasonable, illegal, arbitrary and offending Article 14 of the Constitution of India, by writ order or direction more particularly one in the nature of Writ of Mandamus and set aside the same and direct the respondent Bank not to take any coercive steps for enforcement/recovery.

Counsel for the Petitioner : Mr.K.V.SIMHADRI

Counsel for the Respondent : Mr. L.RAVI KUMAR

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

In view of the decision rendered by the Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 (MARDIA CHEMICALS LTD. Vs. UNION OF INDIA & OTHERS), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted.

The writ petition is, therefore, dismissed. No costs.

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(DEVINDER GUPTA, C.J.)

3rd December 2004.

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(M.NARAYANA REDDY, J.)

ARS

To

1. The Chief Manager, Global Trust Bank Ltd.,

Gajuwaka Branch, Visakhapatnam.

2.Two CD copies.